

REMARKS

Claims 1, 3-8, 10-18 remain in the application.

Claims 1, 3, 8, 10, 16, 17 and 18 have been amended. Claims 2 and 9 have been cancelled.

The Examiner has objected to claims 3, 10, 16, 17 and 18 for informality reasons. Applicants have reviewed the Examiner's comments and has made appropriate amendments to the claims in accordance with the Examiner's suggestions. Moreover, Applicants have made additional amendments to the claims as appropriate for further clarification as well as to define the instant invention over the references cited by the Examiner. Thus, Applicants respectfully request that the Examiner withdraw the objections to the claims for informality reasons.

The Examiner has rejected claims 1-18 under 35 USC §103(a) as being unpatentable over Kano et al in view of Bosl et al. Applicants respectfully traverse the Examiner on this ground of rejection.

The instant invention, as now claimed, is directed to a

closure for a fitment for a container wherein the closure is provided with a top wall and an outer side wall extending downwardly therefrom with an inner sealing ring spaced inwardly from the side wall. Moreover, the outer side wall is provided with circumferentially spaced vertically extending ribs along an upper inner surface adjacent the top wall wherein the vertically extending ribs are provided with outer edges angled downwardly in a direction towards an inner surface of the outer side wall. The inner sealing ring has a lower terminating edge engagable with a lip of a fitment neck and the spacing between an upper portion of the ribs and an upper portion of the outer surface of the sealing ring is less than the thickness of the fitment neck. Moreover, by providing the ribs with an inner edge angled downwardly towards the inner side wall, as best shown in Fig. 3, this assists in the receipt of the upper portion of a fitment and a smooth transition into the spacing defined between the ribs and the inner sealing ring.

To the contrary, Kano et al does not teach nor remotely suggest a closure for a fitment which includes an outer side wall with circumferentially spaced vertically extending ribs along an

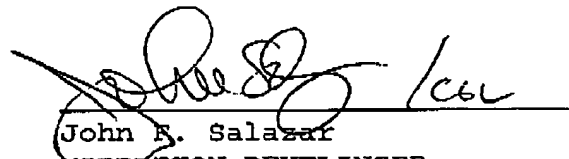
upper inner surface adjacent the top wall and particularly the spacing between an upper portion of the vertically extending ribs and an upper portion and outer surface of the sealing ring being less than the thickness of a fitment neck. Moreover, Kano et al does not teach nor remotely suggest the vertically extending ribs having an outer surface angled downwardly in a direction towards an inner surface of the outer side wall which provides for ease of engagement with a lip of the fitment neck being received in the spacing between the ribs and the inner sealing ribs. Kano et al teaches a closure which has a top wall and a downwardly extending side wall with an inner sealing ring spaced from an inner surface of the side wall. An annular seal piece is disposed between the inner surface of the side wall and the inner sealing ring. This annular seal piece, identified by the numeral 134, is a continuous ring extending circumferentially of and for engagement with the outer surface of a neck of a fitment. And, the Examiner notes that Kano et al does not teach the claimed ribs in the instant application as being a plurality of spaced ribs much less the unique structure of the spaced ribs as having outer edges angled downwardly in a direction towards an inner surface of the outer side wall.

The Examiner cites the Bosl et al reference as allegedly teaching ribs which are substitutable for the circumferentially annular seal piece 34 of Kano et al. However, the ribs of Bosl et al are not provided with outer edges angled downwardly in a direction towards an inner surface of the outer side wall which allows for ease of engagement of a lip of a fitment neck with the closure in a sealing relationship. The ribs of Bosl et al, which are suggested by the Examiner are a plurality of circumferentially spaced blocks 9 which extend along an inner surface of the side wall adjacent the top wall of the closure. (The blocks 9 are sub-divisions of bulge 9). However, these spaced blocks 9 of the sealing bulge 6 do not teach nor remotely suggest the now claimed vertically extending ribs having outer edges angled downwardly in a direction towards an inner surface of the outer side wall as now claimed in the instant application. Thus, Applicants urge that even if the blocks 9 of Bosl et al are properly combined with Kano et al, the instant invention as now claimed, is not taught. And, the problem of ease of transition of a fitment neck lip into a space defined between an outer sidewall and a sealing ring of a closure is not solved. Therefore, Applicants respectfully request that the Examiner

withdraw this rejection.

Applicants urge that the instant application is now in condition for allowance. However, if the Examiner believes there are other unresolved issues in this case, Applicants' attorney of record would appreciate a call at (502) 584-1135 to discuss such remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Salazar", is written over a horizontal line.

John R. Salazar
MIDDLETON REUTLINGER
2500 Brown & Williamson Tower
Louisville, Kentucky 40202
(502) 584-1135
Reg. No. 39,353